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10/789,388

02/28/2004

John P. Kallestad

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4950

7590
JOHN W. CROSBY
1650 Highway 395
Minden, NV 89423

05/01/2009

EXAMINER

KAYES, SEAN PHILLIP

ART UNIT

PAPER NUMBER

2833

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|--------------------------------------|---|--|
| Office Action Summary | Application No. 10/789,388 | Applicant(s) KALLESTAD, JOHN P. | |
| | Examiner SEAN KAYES | Art Unit 2833 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2008 and 05 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Elberg (US 2741082).

3. With respect to claim 1 Elberg discloses a clock comprising

- a first hand (20 figure 6) to indicate day of the week, the first hand mounted on a first shaft (48 figure 6), and
- a second hand (19) to indicate hour, the second hand mounted on a second shaft (29), the first hand and second hand sharing a common axis of rotation, the first shaft and second shaft being concentric with respect to each other (figure 1 and 6).

4. With respect to claim 2 Elberg discloses the clock of claim 1 wherein said first hand is powered by at least one gear (28 figure 6) having a rotation cycle of 7 days (Monday through Sunday figure 1).

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5. With respect to claim 3 Elberg discloses the clock of claim 2 wherein said gear (28 figure 6) communicates with at least one other gear (27 figure 6) that competes 14 revolutions in said cycle.

6. With respect to claim 4 Elberg discloses the clock 5 claim 3 wherein said other gear actuates at least one hand (19 figure 1) to indicate hours.

7. With respect to claim 7 Elberg discloses the clock of claim 1 further comprising means (74, 91, 95 figure 2; 21 figure 16) for adjusting time indicated by said clock.

8. With respect to claim 8 Elberg discloses the clock of claim 1 wherein said adjustment means comprises at least one knob (74, 91, 95 figure 2; 21 figure 16).

9. With respect to claim 9 Elberg discloses the clock of claim 1 wherein said adjustment means comprises at least one knob (95) to adjust said day indicator (20).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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11. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Elberg (US 2741082) in view of Komiyama (US 5062090).

12. With regard to claim 5 Elberg does not teach a quartz oscillation.

Quartz oscillation time bases are notoriously well known. Komiyama teaches such a battery powered quartz time base. At the time of the invention it would have been obvious to one having ordinary skill in the art to utilize a quartz time base in Elberg's device. The reason for doing so would have been to utilize a reliable cheap time source to form the timing signal of the device, as taught by Komiyama.

13. With regard to claim 6 Elberg does not teach battery power.

Komiyama teaches such a battery powered quartz time base. At the time of the invention it would have been obvious to one having ordinary skill in the art to provide Elberg's device with a battery powered quartz time base as taught by Komiyama. The reason for doing so would have been to utilize a reliable cheap time source to form the timing signal of the device, as taught by Komiyama.

Response to Arguments

14. Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN KAYES whose telephone number is (571) 272-8931. The examiner can normally be reached on 11:00am to 9:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Renee Luebke can be reached on (571) 272-2009. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vit W. Miska/
Primary Examiner, Art Unit 2833

SK
4/15/2009